

MINUTES
TOWN OF FREDERICK
PLANNING COMMISSION
Frederick Town Hall
May 19, 2009
7:30 p.m.

Attendance: Chairman Jeff Roehrig, Commissioners Donna Hudziak, Donald Hard, Alan Blair and John Loveless were present. Also present were Planning Director Jennifer Simmons and Town Attorney, Cyril Vidergar.

ROLL CALL: Chairman Roehrig called the regular meeting to order at 7:30p.m. Roll call was taken; all commissioners were present.

ADDITIONS TO THE AGENDA: There were no additions to the agenda.

APPROVAL OF MINUTES FROM THE MAY 5, 2009 MEETING:

Commissioner Loveless made a motion to approve the minutes from the May 5, 2009 meeting. Commissioner Hard seconded the motion. All in favor, motion carried.

CONSIDERATION OF SANDSTONE RIDGE ESTATES PRELIMINARY DEVELOPMENT PLAN:

Planning Director, Jennifer Simmons, presented the staff report by stating that the owners of Sandstone Ridge Estates have requested a preliminary development plan to allow for storage of recreational vehicles on a portion of their property. This general proposal was considered by the Board of Trustees at a work session held on June 16, 2005.

The applicant is Jack Dillon, Dillon Family, LLC represented by Wayne Wentworth.

The project is located north of County Road 20, west of the West I-25 Frontage Road. The property is zoned R-1, Single family residential with a PUD overlay. There is no development plan currently in place on the property.

The property is surrounded by Agricultural/Weld County Agricultural to the North; Agricultural/Public and R-1 with PUD overlay to the South; Agricultural/Business/Light Industrial with a PUD overlay to the East; and developing as single family residential/R-1 zoning to the West.

Prior to March 2005, the property owner/applicant began discussions with staff regarding the potential storage of recreational vehicles including campers, all-terrain vehicles, boats and motorcycles on an outlot of Sandstone Ridge Estates. Prior to allowing an application to be filed, the concept was presented to the Board of Trustees to see if the concept was at all palatable.

The application was filed March 7, 2006 and has been in the review process since that time. The project has been reviewed in accordance with the 2004 version of the Land Use Code which did not include any requirement to resubmit a project within any set timeframe. Thus, three years have passed since the original submittal.

The zoning for Sandstone Ridge Estates is R-1 with a PUD overlay. This was established October 26th, 2000 with Ordinance 580. At that time, no development plan was considered by the Planning Commission or Board of Trustees.

A final plat was approved by the Board of Trustees on April 12, 2007. This plat legally creates Outlot J which is in the northwest corner of the project and is approximately 1.5 acres in size. It is bordered on the West by sixty feet of right-of-way for a future collector road and a 28 foot gas easement. The southern and eastern edges of the outlot are encumbered by the Godding Ditch easement.

The preliminary development plan would allow residents of the subdivision to lease storage space from the homeowners association in order to store recreational vehicles, all-terrain vehicles, snowmobiles, utility trailers, boat/trailers, motorcycles, cars and trucks. This storage is proposed to be buffered from adjacent properties by an eight foot tall fence and landscaping. The number of trees and shrubs being provided exceeds the requirements of the Land Use Code. Additionally, the trees will be taller than required by the Land Use Code.

The preliminary development plan deviates from the Land Use Code in permitting the storage within the R-1 zoning designation and allowing the height of the fence to buffer the storage. The Land Use Code will continue to govern all aspects of setbacks, building height requirements, and uses permitted on the property.

There are six (6) review criteria that need to be met.

The preliminary development plan proposes a unique alternative for residents of Sandstone Ridge Estates which meets the review criteria. The benefits of storage within the subdivision offset the exception to the Zoning standards by providing an alternative to attempting to store this equipment in the garage and then not having room for the everyday car or rather storing it in the yard. The storage area can be compatible with surrounding uses, provided the landscaping is given the proper environment to flourish. The plan proposes an innovative design in providing this space and promotes the general welfare of the neighborhood. As suggested previously, the uses can be compatible and will be buffered sufficiently from adjacent neighborhoods. The plan is not in conflict with the Comprehensive Plan in the sense that these items that need to be stored could potentially be stored within a residential garage or within a person's yard. The plan simply provides an alternative for residents of the subdivision only.

Additionally, the following review criteria for amending the official zoning map has been met: A rezoning to Planned Unit Development overlay district is requested to encourage innovative and creative design and to promote a mix of land uses in the development.

The proposed development plan is creative in considering this mix of uses which addresses the common concern of storage of extra vehicles in neighborhoods.

The project was properly noticed according to the requirements of Article 3 of the Frederick Land Use Code. There were no comments received.

The Planning Commission may recommend approval, denial or approval with conditions of the project.

Staff requests that the Commission consider recommending approval of PCR-2009-07C.

Commissioner Blair asked how this property will be accessed.

Planner Simmons said that the access will be off of WCR 20, west of the Rinn Church. There will be a road built.

Wayne Wentworth, representative for the applicant, addressed the Commission by explaining the right-of-way dedications. He noted that there is currently a bridge on the property and the access will be out of the Sandstone Ridge Estates subdivision, not Rinn Valley.

Commissioner Hudziak pointed out that this use is not typically permitted in the R-1 zone district.

Town Attorney, Cyril Vidergar said that staff has reviewed the proposed uses and find it to be more of an accessory type use. There will be no commercial or industrial equipment. Its function would be an amenity to the community. This will not be used to generate revenue as it is not for public storage. All fees collected will go back into the HOA.

Chairman Roehrig stated that in a normal R-1 zoning, one can park an RV on their lot. Does the code limit the number of units that can be stored on someone's lot?

Planner Simmons said that the code has no limit as to the number of vehicles as long as the vehicles are operable.

Commissioner Blair asked if there are sufficient spaces for the number of residents.

Planner Simmons said that there are 53 spaces and 66 homes in the subdivision, so it is not a one to one ratio.

Chairman Roehrig said that since there are not enough spaces for all the residents, will the leftover residents be allowed to park these vehicles on their lots?

Wayne Wentworth told the Commission that the Covenants do not allow the residents to have vehicles on their lots. It will be a first come, first served basis.

Chairman Roehrig asked if the access road will be paved.

Wentworth said that they would like to stay with the gravel for now. They will upgrade the bridge to accommodate large vehicles.

Ryan Dillon, applicant, said that this storage facility is for the residents of Sandstone Ridge Estates only. If all the spaces are not rented by the residents, it will not be open to the public.

Commissioner Loveless wanted to confirm that the storage lot will not be used for materials storage while the development is under construction.

Dillon said that it will not be used for materials storage as it is not a convenient spot and they would have to cross the bridge.

Commissioner Hudziak asked the applicant about the fencing and wanted to know what material they plan to use for the 8' fence. The plans are calling for wood and, in her experience; wood fences do not hold up very well and will need replacing in a couple of years. She asked if they had considered the wood look alike.

Dillon said that they have looked at the wood look alike as a alternative, but the cost was about 45% more than the wood.

Commissioner Blair is concerned that it is not fair to allow this facility for Sandstone Ridge when others who ask for it in the future will be denied.

Commissioner Roehrig said that this application came in before the Code change and they will look at a change down the road if necessary.

Commissioner Hard asked if the homeowners would be allowed to cover their storage spaces.

Dillon said it would have to go to a vote of the residents before it would be allowed, but it will be discouraged.

There was some additional discussion regarding the fencing materials to be used and the fact that this type of facility will not be allowed in the future.

Chairman Roehrig closed the Public Hearing at 8:15PM.

Commissioner Loveless made a motion to recommend approval of PCR-2009-07C, "A Resolution of the Planning Commission Recommending Conditional Approval of the Sandstone Ridge Estates Preliminary Development Plan." Commissioner Hudziak voted no; all other Commissioners voted yes. Motion carried.

OTHER BUSINESS:

Commissioner Hudziak apologized to the Commission for having to leave the last couple of meetings early for a conflicting meeting. She explained that she had worked with Planner Simmons prior to the meetings and was prepared for her vote. The other Commission that she is a part of is talking of changing their meeting dates to the first and third Tuesday of the month, so she will have to see what happens. This Commission will only run through July.

Commissioner Blair resumed the discussion regarding the ability to allow other facilities like this one within 3 miles. The Commission determined that if future submittals come before them, they will look at them on a case-by-case basis. Planner Simmons explained that this project is unique in that they has more than the required amount of open space and were able to provide this facility.

Chairman Roehrig said that he checked 'Robert's Rules of Order' and in the spirit of performing his duties correctly, the Commission must make a motion to close the meeting.

Commissioner Blair made a motion that the meeting be adjourned. Commissioner Hard seconded the motion. No vote was necessary.

Planner Simmons told the Commission that there will be a meeting on Tuesday, 7 July at 7:30PM for a tentative Planning Commission Work Session on the Downtown Plan.

With no further business to discuss, the meeting was adjourned at 8:30PM.

Jeff Roehrig, Planning Commission Chairman

Kathy Larson, Secretary